

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**  
**OPINION SUMMARY**

STATE OF MISSOURI,	)	No. ED103039
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Ted House
VICTORIA SMITH,	)	
	)	
Appellant.	)	FILED: August 23, 2016

Appellant Victoria Smith (“Smith”) appeals from the judgment of the trial court following a jury trial in which she was convicted of first-degree endangering the welfare of her child (“Victim”). Smith contends there was insufficient evidence to support her conviction. Smith also argues that the trial court erred in allowing expert testimony regarding the significant risk to Victim’s physical, psychological, and emotional health, and penalty-phase testimony from emergency personnel who responded to Smith’s home.

AFFIRMED.

DIVISION FOUR HOLDS: Because the totality of the evidence supported a finding that Smith knowingly acted in a manner that created a substantial risk to Victim, the evidence was sufficient to support her conviction. Further, the trial court did not err in admitting the expert testimony or the penalty-phase testimony of emergency personnel who arrived at the scene.

Opinion by: Kurt S. Odenwald, Judge  
Gaertner, Jr., J. concur.

James M. Dowd, Judge and Gary M.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Chris Koster

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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